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EXAMINER	
GAMBEL, P	
ART UNIT	PAPER NUMBER
1644	28

DATE MAILED:

01/12/01

Below is a communication from the EXAMINER in charge of this application

COMMISSIONER OF PATENTS AND TRADEMARKS

### ADVISORY ACTION

☐ THE PERIOD FOR RESPONSE:

- a) ☐ is extended to run \_\_\_\_\_ or continues to run \_\_\_\_\_ from the date of the final rejection
- b) ☐ expires three months from the date of the final rejection or as of the mailing date of this Advisory Action, whichever is later. In no event however, will the statutory period for the response expire later than six months from the date of the final rejection.

Any extension of time must be obtained by filing a petition under 37 CFR 1.136(a), the proposed response and the appropriate fee. The date on which the response, the petition, and the fee have been filed is the date of the response and also the date for the purposes of determining the period of extension and the corresponding amount of the fee. Any extension fee pursuant to 37 CFR 1.17 will be calculated from the date of the originally set shortened statutory period for response or as set forth in b) above.

☒ Appellant's Brief is due in accordance with 37 CFR 1.192(a).

☒ Applicant's response to the final rejection, filed 6/11/00 has been considered with the following effect, but it is not deemed to place the application in condition for allowance:

1. ☐ The proposed amendments to the claim and/or specification will not be entered and the final rejection stands because:
- ☐ There is no convincing showing under 37 CFR 1.116(b) why the proposed amendment is necessary and was not earlier presented.
  - ☐ They raise new issues that would require further consideration and/or search. (See Note).
  - ☐ They raise the issue of new matter. (See Note).
  - ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal.
  - ☐ They present additional claims without cancelling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_

2. ☐ Newly proposed or amended claims \_\_\_\_\_ would be allowed if submitted in a separately filed amendment cancelling the non-allowable claims.
3. ☒ Upon the filing an appeal, the proposed amendment ☒ will be entered ☐ will not be entered and the status of the claims will be as follows:

Claims allowed: \_\_\_\_\_  
Claims objected to: \_\_\_\_\_  
Claims rejected: 1-4, 6, 8, 10-14

However;

☐ Applicant's response has overcome the following rejection(s): \_\_\_\_\_

4. ☒ The affidavit, exhibit or request for reconsideration has been considered but does not overcome the rejection because FOR THE REASONS OF REPLY; ALSO SEE FORTHCOMING EXAMINER'S ANSWER
5. ☐ The affidavit or exhibit will not be considered because applicant has not shown good and sufficient reasons why it was not earlier presented.

☐ The proposed drawing correction ☐ has ☐ has not been approved by the examiner.

☐ Other

BEST AVAILABLE COPY

PHILLIP GAMBEL  
PHILLIP GAMBEL, PH.D  
PRIMARY EXAMINER  
NEW CORREL 1600  
1/11/00

Serial No. 09/  
Art Unit 1644

**ADVISORY ACTION  
SUPPLEMENTAL SHEET**

In response to applicant's request, the following is provided.

1. The proposed amendments to the claims and to the specification will not be entered and the final rejection stands because:

- b. They raise new issues that would required further consideration and/or search.
- d. They are not deemed to place the application in better from for appeal by materially reducing or simplifying the issues for appeal.

Note: Given entry of the amendment, filed 11/19/99 (Paper No. 15);  
The amendment to the claims, filed 12/3/99, lack proper antecedent basis.  
See MPEP 714.22, 37 CFR 1.121.

3. Upon the filing an appeal, the proposed amendment of 11/19/99 will be entered;  
the proposed amendment of 12/3/99 will not be entered.

Claims rejected: 1-6, 8, 10-12

4. The affidavit, exhibit or request for reconsideration has been considered but does not overcome the rejection because of the reasons of record.

Simon (Arterior Throm Basc Biol, 19970 and Genetta (Ann. Pharmacol. 1996) support inhibiting restenosis. Therefore, art rejections are maintained.

112, first paragraph, is maintained, given applicant's reliance on single undisclosed species (Simon et al., Circulation 1999, Exhibit). does not support breadth of claimed compounds, molecules, peptidomimetics.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phillip Gambel whose telephone number is (703) 308-3997. The examiner can normally be reached Monday through Thursday from 7:30 am to 6:00 pm. A message may be left on the examiner's voice mail service. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Chan can be reached on (703) 308-3973. Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center 1600 receptionist whose telephone number is (703) 308-0196.

Papers related to this application may be submitted to Technology Center 1600 by facsimile transmission. Papers should be faxed to Technology Center 1600 via the PTO Fax Center located in Crystal Mall 1. The faxing of such papers must conform with the notice published in the Official Gazette, 1096 OG 30 (November 15, 1989). The CM1 Fax Center telephone number is (703) 305-3014. Phillip Gambel, PhD.

Patent Examiner  
Technology Center 1600  
January 14, 1999

